

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DANIELLE TAYLOR,  
ROBERT MARKLEY,

Plaintiff,

v.

NICOLE KAZMAR, *et al.*,

Defendants.

Case No. 3:16-cv-00109-MMD-WGC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 7) ("R&R"). No objection to the R&R has been filed.<sup>1</sup>

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

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<sup>1</sup>Plaintiffs have failed to comply with LR IA 3-1, which provides that "a pro se party must immediately file with the court written notification of any change of mailing address . . . Failure to comply with this rule may result in dismissal of the action with prejudice." The Court notes that, as a result of plaintiffs' failure to comply with LR IA 3-1, the last four (4) mailings from this Court were returned as undeliverable. (See ECF Nos. 11, 12, 13, 15.)

1 judge's report and recommendation where no objections have been filed. See *United*  
2 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
3 employed by the district court when reviewing a report and recommendation to which no  
4 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
5 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
6 district courts are not required to review "any issue that is not the subject of an objection.").  
7 Thus, if there is no objection to a magistrate judge's recommendation, then the court may  
8 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226  
9 (accepting, without review, a magistrate judge's recommendation to which no objection  
10 was filed).

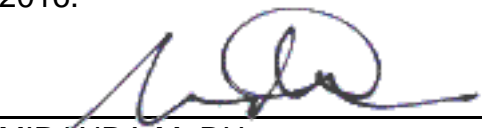
11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
12 determine whether to adopt Magistrate Judge Cobb's R&R. The R&R recommends that  
13 this action be dismissed with prejudice based upon Plaintiffs' failure to cure the  
14 deficiencies in the complaint. After reviewing the filings, the Court agrees with the  
15 Magistrate Judge's recommendation.

16 It is therefore ordered, adjudged and decreed that the Report and Recommendation  
17 of Magistrate Judge William G. Cobb (ECF No. 7) is accepted and adopted in its entirety.

18 It is ordered that this action is dismissed with prejudice.

19 It is further ordered that the Clerk enter judgment and close this case.

20 DATED THIS 25<sup>th</sup> day of October 2016.

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23 MIRANDA M. DU  
24 UNITED STATES DISTRICT JUDGE  
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